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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,334	03/18/2004	Kenji Takahashi	1232-5348	7027
27123	7590	04/03/2008	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			KHAN, USMAN A	
			ART UNIT	PAPER NUMBER
			2622	
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			04/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/804,334	Applicant(s) TAKAHASHI, KENJI	
	Examiner USMAN KHAN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008 and 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 and 18 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed on 02/07/2008 with respect to newly added claims 20 - 26 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 22, and 24 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu (US PgPub 2002/0061142) in further view of Terashita (US PgPub 2002/0140825).

Regarding **claim 20**, Hiramatsu discloses an information processing method for processing a file containing lossless-compressed or non-compressed digital image data

obtained by digitally converting a signal that has been output from an image sensing device, said method including process of:

reading the digital image data contained in the file (paragraph 0008, 0036, and 0039 *et seq.* image data is first read);

selecting automatically signal processing to be used from among the plurality of types of signal processing which use any of at least a plurality of types of luminance signal processing methods **and/or** a plurality of types of color signal processing methods based upon an extension indicating a format of the file to be processed (paragraph 0038 a color fog correction unit 23, a contrast correction unit 24, a sharpness correction unit 25, a lightness correction unit 26 and a saturation correction unit 27; also, paragraph 0041 the target image to be corrected is determined to be a still image or moving image based on the attribute information included in the data or the information included in the extension or header of the file).

further selecting the signal processing based on specific information of an image sensing apparatus in case the signal processing cannot be selected based on the extension (paragraph 0038 a color fog correction unit 23, a contrast correction unit 24, a sharpness correction unit 25, a lightness correction unit 26 and a saturation correction unit 27; also, paragraph 0041 the target image to be corrected is determined to be a still image or moving image based on the attribute information included in the data or the information included in the extension or header of the file);

and converting the digital image data contained in the file to data having a prescribed format by executing the selected signal processing (figure 3 and paragraph 0040 corrected image data output).

However, Hiramatsu fails to disclose in the further selecting the signal processing based on specific information includes product information specifying an apparatus that generates the file, configuration of image sensing device that generates the file and color-filter information specifying a color filter used by the image sensing device that are contained in the file. Terashita, on the other hand discloses in the further selecting the signal processing based on specific information includes product information specifying an apparatus that generates the file, configuration of image sensing device that generates the file and color-filter information specifying a color filter used by the image sensing device that are contained in the file.

More specifically, Terashita discloses in the further selecting the signal processing based on specific information includes product information specifying an apparatus that generates the file , configuration of image sensing device that generates the file and color-filter information specifying a color filter used by the image sensing device that are contained in the file (paragraph 0012; Terashita teaches that the conditions for correction can be a color but not limited to this also in paragraph 0005 Terashita teaches that some other well known camera conditions which affect the camera include other attributes such as which affect the image quality of the reproduced image, among these elements include a color temperature of strobe light, AE control, AW control, a CCD color-separation color filter, the number of picture elements,

gradation conversion, and matrix operation processing for obtaining luminance and color difference signals of the camera).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Terashita with the teachings of Hiramatsu because in paragraph 0008 Terashita teaches that using the invention good image quality may be obtained regardless of the kinds of digital camera.

Regarding **claim 22**, as mentioned above in the discussion of claim 20, Hiramatsu in further view of Terashita teaches all of the limitations of the parent claim. Additionally, Hiramatsu teaches that the signal processing is executed in the converting process using an image processing parameter set by a user (paragraph 0036 and 0039).

Regarding **claim 24**, as mentioned above in the discussion of claim 20, Hiramatsu in further view of Terashita teaches all of the limitations of the parent claim. Additionally, Hiramatsu teaches a computer readable storage medium storing a control program causing a computer to execute the information processing method (paragraph 0036 - 0038) set forth in claim 20 (please see discussion of claim 20 above).

Regarding **claim 25**, as mentioned above in the discussion of claim 20, Hiramatsu in further view of Terashita teaches all of the limitations of the parent claim. Additionally, Hiramatsu teaches a control program stored in a computer readable

storage medium, which causes a computer to execute the information processing method (paragraph 0036 - 0038) set forth in claim 20 (please see discussion of claim 20 above).

Regarding **claim 26**, Hiramatsu discloses an information processing apparatus for processing a file containing lossless-compressed or non-compressed digital image data obtained by digitally converting a signal that has been output from an image sensing device, said apparatus comprising:

a reading unit configured to read the digital image data contained in the file (paragraph 0008, 0036, and 0039 *et seq.* image data is first read);

a first selecting unit configured to select automatically signal processing to be used from among the plurality of types of signal processing which use any of at least a plurality of types of luminance signal processing methods and/or a plurality of types of color signal processing methods based upon an extension indicating a format of the file to be processed (paragraph 0038 a color fog correction unit 23, a contrast correction unit 24, a sharpness correction unit 25, a lightness correction unit 26 and a saturation correction unit 27; also, paragraph 0041 the target image to be corrected is determined to be a still image or moving image based on the attribute information included in the data or the information included in the extension or header of the file);

a second selecting unit configured to select the signal processing based on specific information of an image sensing apparatus in case the signal processing cannot be selected based on the extension by said first selecting unit (paragraph 0038 a color

fog correction unit 23, a contrast correction unit 24, a sharpness correction unit 25, a lightness correction unit 26 and a saturation correction unit 27; also, paragraph 0041 the target image to be corrected is determined to be a still image or moving image based on the attribute information included in the data or the information included in the extension or header of the file); and

a converting unit configured to convert the digital image data contained in the file to data having a prescribed format by executing the selected signal processing (figure 3 and paragraph 0040 corrected image data output).

However, Hiramatsu fails to disclose in the second selecting the signal processing based on specific information including product information specifying an apparatus that generates the file, configuration of image sensing device that generates the file and color-filter information specifying a color filter used by the image sensing device that are contained in the file. Terashita, on the other hand discloses in the second selecting the signal processing based on specific information including product information specifying an apparatus that generates the file, configuration of image sensing device that generates the file and color-filter information specifying a color filter used by the image sensing device that are contained in the file.

More specifically, Terashita discloses in the second selecting the signal processing based on specific information including product information specifying an apparatus that generates the file, configuration of image sensing device that generates the file and color-filter information specifying a color filter used by the image sensing device that are contained in the file (paragraph 0012; Terashita teaches that the

conditions for correction can be a color but not limited to this also in paragraph 0005 Terashita teaches that some other well known camera conditions which affect the camera include other attributes such as which affect the image quality of the reproduced image, among these elements include a color temperature of strobe light, AE control, AW control, a CCD color-separation color filter, the number of picture elements, gradation conversion, and matrix operation processing for obtaining luminance and color difference signals of the camera).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Terashita with the teachings of Hiramatsu because in paragraph 0008 Terashita teaches that using the invention good image quality may be obtained regardless of the kinds of digital camera.

Claims 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu (US PgPub 2002/0061142) in further view of Terashita (US PgPub 2002/0140825) in further view of NAKAMI (EP 1 271 404 A2).

Regarding **claim 21**, as mentioned above in the discussion of claim 20, Hiramatsu in further view of Terashita teaches all of the limitations of the parent claim.

However, Hiramatsu in further view of Terashita fails to disclose a decompression execution process of subjecting the digital image data contained in the file to one of a plurality of decompressing processes corresponding to a plurality of types for decompressing digital image data; wherein in the selecting process, decompression process to be used in the decompression execution process is selected

based upon the attribute information contained in the file. NAKAMI, on the other hand discloses a decompression execution process of subjecting the digital image data contained in the file to one of a plurality of decompressing processes corresponding to a plurality of types for decompressing digital image data; wherein in the selecting process, decompression process to be used in the decompression execution process is selected based upon the attribute information contained in the file.

More specifically, NAKAMI discloses a decompression execution process of subjecting the digital image data contained in the file to one of a plurality of decompressing processes corresponding to a plurality of types for decompressing digital image data (paragraph 0042 JPEG and TIFF and Exif); wherein in the selecting process, decompression process to be used in the decompression execution process is selected based upon the attribute information contained in the file (paragraph 0042 JPEG and TIFF and Exif).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of NAKAMI with the teachings of Hiramatsu in further view of Terashita because in paragraph 0006 et seq. NAKAMI teaches that using the invention provides the user a technique to flexibly output an image according to the taste of the user in term improving operation.

Claims 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu (US PgPub 2002/0061142) in further view of Terashita (US PgPub

2002/0140825) in further view of NAKAMI (EP 1 271 404 A2) in further view of Kohashi et al. (US patent No. 6,816,193)

Regarding **claim 23**, as mentioned above in the discussion of claim 20, Hiramatsu in further view of Terashita teaches all of the limitations of the parent claim.

However, Hiramatsu in further view of Terashita fails to disclose wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high- frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained by either first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, or second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data wherein signal processing of the plurality of types in the converting process further includes third processing for generating a luminance signal using color signals of all colors included in the digital image data, and fourth processing for generating a luminance signal using a color signal of a specific color included in the digital image data; and in the selecting process, either the third processing or the fourth processing is further selected.

Kohashi et al., on the other hand discloses wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high- frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained by either first processing for generating a

high-frequency emphasis signal using color signals of all colors included in the digital image data, or second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data wherein signal processing of the plurality of types in the converting process further includes third processing for generating a luminance signal using color signals of all colors included in the digital image data, and fourth processing for generating a luminance signal using a color signal of a specific color included in the digital image data; and in the selecting process, either the third processing or the fourth processing is further selected is well known in the art.

More specifically, Kohashi et al. discloses wherein signal processing of the plurality of types in the converting process includes high-frequency emphasis processing for causing a high-frequency emphasis signal to act upon a luminance signal that has been obtained by conversion from the digital image data, said high-frequency emphasis signal being obtained by either first processing for generating a high-frequency emphasis signal using color signals of all colors included in the digital image data, or second processing for generating a high-frequency emphasis signal using a color signal of a specific color included in the digital image data (in column 1 lines 11 – 23 and column 18 lines 1 – 51), wherein signal processing of the plurality of types in the converting process further includes third processing for generating a luminance signal using color signals of all colors included in the digital image data, and fourth processing for generating a luminance signal using a color signal of a specific color included in the digital image data; and in the selecting process, either the third

processing or the fourth processing is further selected (in column 1 lines 11 – 23 and column 18 lines 1 – 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kohashi et al. with the teachings of Hiramatsu in further view of Terashita because in column 1 lines 11 - 23 and column 2 line 53 - column 4 line 9 Kohashi et al. teaches that using this method will produce an edge enhanced image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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